

**ASSEMBLY BILL**

**No. 35**

**Introduced by Assembly Member Wiggins**

December 2, 2002

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An act to amend Section 65400 of, and to repeal Section 65307 of, the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 35, as introduced, Wiggins. Local planning agencies: duties.

(1) The Planning and Zoning Law requires the planning agency, after a legislative body has adopted all or part of a general plan, to provide an annual report, on or before October 1 of each year, to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the status of the general plan and progress in meeting the community's share of regional housing needs. The report is required to be prepared through forms and definitions adopted by the Department of Housing and Community Development.

The bill would require the report to include the degree to which the approved general plan complies with specified guidelines for the preparation of the mandatory elements of the general plan and the date of the last revision to the general plan. By imposing new duties on planning agencies, the bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 65307 of the Government Code is  
2 repealed.

3 ~~65307. On or before October 1 of each year, the planning~~  
4 ~~agency of each city or county shall comply with the provisions of~~  
5 ~~Section 65400.~~

6 SEC. 2. Section 65400 of the Government Code is amended  
7 to read:

8 65400. After the legislative body has adopted all or part of a  
9 general plan, the planning agency shall do both of the following:

10 (a) Investigate and make recommendations to the legislative  
11 body regarding reasonable and practical means for implementing  
12 the general plan or element of the general plan, so that it will serve  
13 as an effective guide for orderly growth and development,  
14 preservation and conservation of open-space land and natural  
15 resources, and the efficient expenditure of public funds relating to  
16 the subjects addressed in the general plan.

17 (b) ~~(1)~~ Provide by *October 1 of each year* an annual report to  
18 the legislative body, the Office of Planning and Research, and the  
19 Department of Housing and Community Development ~~on the~~ *that*  
20 *includes all of the following:*

21 *(1) The status of the plan and progress in its implementation;*  
22 ~~including the.~~

23 *(2) The progress in meeting its share of regional housing needs*  
24 *determined pursuant to Section 65584 and local efforts to remove*  
25 *governmental constraints to the maintenance, improvement, and*  
26 *development of housing pursuant to paragraph (3) of subdivision*  
27 *(c) of Section 65583.*

28 ~~(2)~~

29 The housing *element* portion of the annual report ~~required to be~~  
30 ~~provided to the Office of Planning and Research and, as required~~  
31 ~~by this paragraph, shall be prepared through the use of forms and~~  
32 ~~definitions adopted by the Department of Housing and~~  
33 ~~Community Development pursuant to this subdivision shall be~~

1 ~~prepared through the use of forms and definitions adopted by the~~  
2 ~~Department of Housing and Community Development pursuant to~~  
3 ~~the rule-making provisions of the Administrative Procedure Act~~  
4 ~~(Chapter 3.5 (commencing with Section 11340) of, Chapter 4~~  
5 ~~(commencing with Section 11370) of, and Chapter 5~~  
6 ~~(commencing with Section 11500) of, Part 1 of Division 3 of Title~~  
7 ~~2). This report shall be provided to the legislative body, the Office~~  
8 ~~of Planning and Research, and the Department of Housing and~~  
9 ~~Community Development on or before October 1 of each year.~~

10 (3) *The degree to which its approved general plan complies*  
11 *with the guidelines developed and adopted pursuant to Section*  
12 *65040.2 and the date of the last revision to the general plan.*

13 SEC. 3. It is the intent of the Legislature that the amendments  
14 to Section 65400 of the Government Code made by this act correct  
15 a drafting error made in the amendments to that section in Chapter  
16 1235 of the Statutes of 1994 (Assembly Bill 51).

17 SEC. 4. No reimbursement is required by this act pursuant to  
18 Section 6 of Article XIII B of the California Constitution because  
19 this act provides for offsetting savings to local agencies or school  
20 districts that result in no net costs to the local agencies or school  
21 districts, within the meaning of Section 17556 of the Government  
22 Code.

